

FILED/ACCEPTED

Before the  
Federal Communications Commission  
Washington, D.C. 20554

OCT - 1 2010

Federal Communications Commission  
Office of the Secretary

In the Matter of	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Telecommunications Carriers Eligible to	)	WC Docket No. 09-197
Receive Universal Service Support	)	

**AT&T MOBILITY LLC (SAC 259908) ELIGIBLE TELECOMMUNICATIONS  
CARRIER ANNUAL REPORT AND CERTIFICATION IN COMPLIANCE WITH  
47 C.F.R. § 54.209(a)**

**I. INTRODUCTION**

In accordance with the standards and requirements established by the Federal Communications Commission (“Commission”), AT&T Mobility LLC submits this Annual Report and Certification, and respectfully requests the Commission to certify its eligibility to receive high-cost support from the federal universal service fund for calendar year 2011.

**II. BACKGROUND**

On December 29, 2003, AT&T Wireless Services, Inc. filed a petition for designation as a competitive eligible telecommunications carrier (“ETC”) in certain areas served by non-rural telephone companies and entire study areas served by certain rural telephone companies in the State of Alabama (“AL ETC Petition”).<sup>1</sup> On October 26, 2004, subsequent to the submission of the AL ETC Petition, AT&T Wireless Services, Inc. merged with Cingular Wireless Corporation and Cingular Wireless Corporation was later converted to a limited liability company, Cingular

<sup>1</sup> See *Federal-State Joint Board on Universal Service, Petition of AT&T Wireless Services, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act, FCC 97-419*, CC Docket No. 96-45 (filed December 29, 2003). See also the Supplement to the AL ETC Petition filed on May 11, 2004, Amendment to the AL ETC Petition filed on February 23, 2006, and Minor Further Amendment filed on April 28, 2006.

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Wireless LLC (“Cingular”). Cingular then filed an Amendment to the AL ETC Petition updating the legal names of the applicant entities, withdrawing all rural telephone company study areas, and providing additional information as required by the *ETC Report and Order*.<sup>2</sup> On December 29, 2006, AT&T Inc. and BellSouth Corporation, the parent companies of Cingular Wireless LLC, merged and Cingular became a wholly owned subsidiary of AT&T Inc. Cingular then changed its name to AT&T Mobility LLC.

In its May 1, 2008 *CETC Cap Order*, the Commission approved a number of pending petitions for ETC designation, including the AT&T Mobility AL ETC Petition.<sup>3</sup> For the purposes of this filing the areas served by non-rural telephone companies in which AT&T Mobility was granted designation as an ETC shall be collectively referred to as AT&T Mobility’s “Designated Area.” The study area code (“SAC”) for the Designated Area is 259908.

### **III. AT&T MOBILITY’S ANNUAL REPORTING IN ACCORDANCE WITH SECTION 54.209(a)**

Section 54.209(a) of the Commission’s Rules requires a common carrier previously designated by the Commission as an ETC to annually report certain information no later than October 1st of each calendar year. AT&T Mobility provides this report for calendar year 2009.<sup>4</sup>

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<sup>2</sup> See *Federal-State Joint Board on Universal Service*, CC Docket. No. 96-45, 20 FCC Rcd 6371 (2005) (“*ETC Report and Order*”).

<sup>3</sup> See *High-Cost Universal Service Support, Federal-State Joint Board on Universal Service, Alltel Communications, Inc., et al., Petitions for Designation as Eligible Telecommunications Carriers, RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment*, Order, WC Docket No. 05-337, CC Docket No. 96-45, 23 FCC Rcd 8834, Appendix B (2008) (“*CETC Cap Order*”).

<sup>4</sup> The Commission’s Rules contemplate reporting on a calendar year basis (*e.g.*, section 54.209(a)(3) requires reporting on requests that were “unfulfilled during the past year”).

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### A. AT&T Mobility's Progress Report on Its Service Improvement Plan

Section 54.209(a)(1) of the Commission's Rules requires an ETC to provide a progress report on its previously filed Service Improvement Plan. The progress report must include maps detailing the Company's progress toward meeting its planned targets, an explanation of how much universal service support was received and how it was used to improve signal quality, coverage or capacity, and an explanation regarding any network improvement plan targets that have not been fulfilled. AT&T Mobility developed and filed with the Commission a five-year Service Improvement Plan on February 23, 2006. The Service Improvement Plan is subject to change over time for various reasons, including, but not limited to, changes in consumer demand and projected costs, projected universal service support amounts and the amount of universal service support actually received, and delays to projects caused by zoning/permitting, lease negotiations, and the back-order of equipment. Given the amount of time that had passed since AT&T Mobility first developed and filed its five-year Service Improvement Plan, AT&T Mobility provided an updated five-year Service Improvement Plan in its 2008 Annual Report filing. AT&T Mobility is providing as Confidential Exhibit A-1 its progress report on the Service Improvement Plan for calendar year 2009, along with a slightly revised Service Improvement Plan for calendar years 2010 through 2012, which is based on the amount of federal ETC funding that AT&T is currently projecting that it will receive. AT&T Mobility is also including as Confidential Exhibit A-2 a map showing coverage after the Service Improvements were made in 2009 in the Designated Area in Alabama. Additionally, AT&T Mobility includes as a Confidential Exhibit A-3 a map depicting planned cell site locations for calendar years 2010 through 2012.

AT&T Mobility will utilize federal high-cost universal service support for the provision, maintenance, and upgrading of facilities and services for which the support is intended consistent

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with section 254(e) of the Telecommunications Act of 1996 (the “Act”) and section 54.7 of the Commission’s Rules.

### **B. AT&T Mobility Network Outages in Alabama Designated Area**

Section 54.209(a)(2) of the Commission’s Rules requires an ETC to annually report network outages within its Designated Area. The Rule specifically requires:

Detailed information on any outage, as that term is defined in 47 C.F.R. 4.5, of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect (i) [a]t least ten percent of the end users served in a designated service area; or (ii) [a] 911 special facility, as defined in 47 C.F.R. 4.5(e). Specifically, the eligible telecommunications carrier’s annual report must include information detailing: (A) [t]he date and time of onset of the outage; (B) [a] brief description of the outage and its resolution; (c) [t]he particular services affected; (D) [t]he geographic areas affected by the outage; (E) [s]teps taken to prevent a similar situation in the future; and (F) [t]he number of customers affected.

AT&T Mobility provides as Confidential Exhibit B the qualified outages for calendar year 2009. The information provided is for the entire state of Alabama, not just the Designated Area.

### **C. AT&T Mobility’s Unfulfilled Requests for Service**

Section 54.209(a)(3) of the Commission’s Rules requires an ETC to annually report the number of requests for service from potential customers within the ETC’s designated service area that were unfulfilled during the past year. The filing must also detail how the ETC attempted to provide service to those potential customers as set forth in Section 54.202(a)(1)(i). In response to a request for service, AT&T Mobility takes the following steps:

- 1) AT&T Mobility will provide service on a timely basis to requesting customers within AT&T Mobility’s service area where AT&T Mobility’s network already passes the potential customer’s premises;
- 2) If a customer cannot be served by AT&T Mobility’s existing facilities, AT&T Mobility will provide service within a reasonable period of time, if service can be provided at reasonable cost by:

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- a. modifying or replacing the requesting customer's equipment;
- b. deploying a roof-mounted antenna or other equipment;
- c. adjusting the nearest cell tower;
- d. adjusting network or customer facilities;
- e. reselling services from another carrier's facilities to provide service; or
- f. employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

If, after these steps, the customer cannot be served, AT&T Mobility will notify the customer and provide the Commission with an annual report of how many requests for service could not be filled. In 2009 AT&T Mobility had two (2) unfulfilled service requests.

### **D. AT&T Mobility's Complaints per 1,000 Handsets or Lines**

Section 54.209(a)(4) of the Commission's Rules requires an ETC to annually report the number of complaints per 1,000 handsets or lines. AT&T Mobility identified the number of complaints received from the Public Service Commission of Alabama, the Commission, the Alabama Attorney General, Consumer Advocate Division, and the Better Business Bureau (BBB) per 1,000 handsets during the 2009 calendar year as .03228 complaints per 1,000 handsets. AT&T Mobility believes that this information best represents customer complaints, which is the requirement. Calls into customer care can be for a large variety of reasons and do not necessarily constitute a complaint, but could instead be an inquiry about service, a question about a bill or so forth. However, customers that send a letter to a state or federal agency, the BBB or an AT&T executive more often than not have a complaint and are not contacting the company with an inquiry. The information provided is for the entire state of Alabama and is not limited to the Designated Area.

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**E. AT&T Mobility’s Certification Regarding Applicable Service Quality Standards and Consumer Protection Rules**

Section 54.209(a)(5) of the Commission’s Rules requires an ETC to certify that it is complying with applicable service quality standards and consumer protection rules. AT&T Mobility’s compliance with the terms and conditions of the CTIA Consumer Code for Wireless Service meets this requirement. AT&T Mobility certifies that it has complied and will continue to comply with the principles set forth therein.

**F. AT&T Mobility’s Certification Regarding Its Ability to Function in Emergency Situations**

Section 54.209(a)(6) of the Commission’s Rules requires an ETC to certify an ability to function in emergency situations as set forth in section 54.202(a)(2) of the Commission’s Rules. The standards set forth in section 54.202(a)(2) include a reasonable amount of back-up power to ensure functionality without an external power source, an ability to reroute traffic around damaged facilities and a capability to manage traffic spikes resulting from emergency situations. AT&T Mobility has in place emergency operation procedures so that it can function in an emergency. Backup power is provided at switch locations and cell sites through a combination of batteries, portable generators and permanent generators. AT&T Mobility also has mobile switches and portable COWs (Cells on Wheels) that it can deploy in the event of an emergency. Based on the foregoing, AT&T Mobility certifies it is able to function in emergency situations as set forth in section 54.202(a)(2).

**G. AT&T Mobility’s Certification Regarding Its Provision of A Comparable Local Usage Plan**

Section 54.209(a)(7) of the Commission’s Rules requires an ETC to certify it is offering a local usage plan comparable to the incumbent LEC in the relevant service areas. In the *ETC Report and Order*, the Commission declined to adopt a specific local usage threshold or to require

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that an applicant match the incumbent LEC's offering.<sup>5</sup> Rather, the Commission concluded that the comparability of rate plans should be evaluated on a case-by-case basis, in consideration of the number of included minutes, the size of the "local" calling area, monthly price, and other factors.<sup>6</sup>

AT&T Mobility offers calling plans that provide customers local usage that is comparable to the incumbent LECs when taking into account all of the additional benefits of AT&T Mobility's current service offerings. AT&T Mobility currently offers post-paid calling plans that include nationwide long distance calling and roaming within the United States. AT&T Mobility also offers an Unlimited Rate Plan which offers unlimited calling within the United States. Most of AT&T Mobility's currently offered post-paid calling plans include unlimited nights and weekend minutes, while some of the lower priced plans offer generous allotments of night and weekend minutes. Most currently offered post-paid calling plans offer unlimited mobile calling between AT&T Mobility customers, and allow the customer to rollover unused minutes for use in subsequent months. Further, AT&T Mobility's calling plans currently offer all of the following features at no extra charge: Voice Mail, Caller ID, Call Forwarding, Call Waiting, and Three-Way Calling. In addition to these calling plans, AT&T Mobility also offers an option for prepaid or pay-as-you-go wireless service. All of AT&T Mobility's calling plans inherently include the added value of being mobile and as such increases the value of AT&T Mobility's calling plans.

Based on the foregoing, AT&T Mobility certifies that it offers and will continue to offer at least one comparable local usage plan as required by section 54.209(a)(7).

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<sup>5</sup> *ETC Report and Order*, ¶¶ 32, 33.

<sup>6</sup> *Id.* at ¶33.

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**H. AT&T Mobility's Certification Regarding the Commission's Ability to Require It to Provide Equal Access**

AT&T Mobility hereby certifies that the Commission, pursuant to 47 U.S.C. § 332(c)(8), may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within its Designated Area.

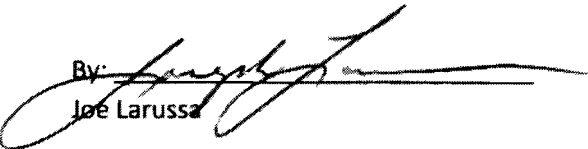


IV. CONCLUSION

Based on the foregoing information, AT&T Mobility respectfully requests the Commission to certify its eligibility to receive federal universal service support for calendar year 2011 in accordance with 47 C.F.R. §§ 54.313 and 54.314.

AT&T MOBILITY LLC

Dated: 9/29/2010

By:   
Joe Larussa

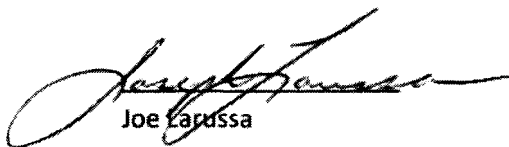
**Before the  
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In the Matter of	)	
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Federal Joint Board on	)	CC Docket No. 96-45
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**CERTIFICATION**

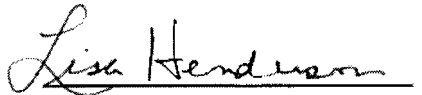
The Undersigned, Joe Larussa, does hereby certify as follows:

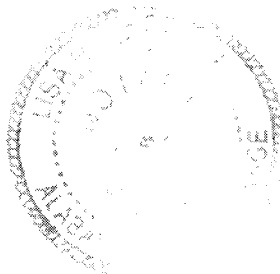
1. I serve as Vice President/General Manager Sales for AT&T Mobility LLC ("AT&T Mobility") and an officer of AT&T Mobility.
2. This certification is submitted in support of the AT&T Mobility's ETC Annual Report and Certification in compliance with 47 C.F.R. §54.209(a).
3. I have reviewed the ETC Certification and Annual Report and the facts stated therein are true and correct to the best of my knowledge, information and belief.

  
Joe Larussa

Subscribed and sworn to me  
This 29<sup>th</sup> day of September, 2010.

(NOTARY SEAL)

  
Notary Public Lisa Henderson



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# **EXHIBIT A-1**

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# **EXHIBIT A-2**

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# **EXHIBIT A-3**

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# **EXHIBIT B**

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